

-- REMARKS --

Claims 1-20 are pending.

ELECTION/RESTRICTION

In the Office Action of September 18, 2009, the Examiner issued a restriction requirement under 35 U.S.C. 121. The Examiner references a telephone conversation with Paul Holecko (sic) at (847)905-7107 at the Cardinal Law Group on 9/13/2007, during which the Examiner asserts a provisional election was made to prosecute the invention of Group I, claims 1-6. However, applicants do not have record of such an oral restriction requirement or election pertaining to this application, which apparently took place more than two years prior to the issuance of the Office Action. Applicants respectfully submit this may have been a miscommunication associated with related application serial no. 10/456,826, in which a provisional election was made.

In response to the restriction requirement, Applicants provisionally elect the invention of Group III, represented by original claims 14-20, with traverse.

The restriction requirement is respectfully traversed. Specifically, the claims of Groups I and II represent a single invention. The examiner has not given any reason as to why Groups I and II are independent or distinct inventions. Both Groups are related to targeted advertising in connection with generic advertising and both Groups are classified in class 705/14, as asserted by the Examiner. Applicants respectfully submit that the claims of Groups I and II should be rejoined. Nevertheless, Applicants elect Group III, claims 14-20 herewith.

DOUBLE PATENTING

In the Office Action of September 18, 2009, the Examiner rejected claims 1-6 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-6 of copending application No. 10/456,826.

Applicants respectfully submit that this rejection is rendered moot by the election of Group III, claims 14-20 in this application.

CLAIM REJECTIONS – 35 USC 101

In the Office Action of September 18, 2009, the Examiner rejected claims 1-6 under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Applicants respectfully submit that this rejection is rendered moot by the election of Group III, claims 14-20 in this application.

CLAIM REJECTIONS – 35 USC 102

In the Office Action of September 18, 2009, the Examiner rejected claims 1, 2, 5 and 6 under 35 U.S.C. 102(a) as being anticipated by Holtz (2002/0053078).

Applicants respectfully submit that this rejection is rendered moot by the election of Group III, claims 14-20 in this application.

CLAIM REJECTIONS – 35 USC 103

In the Office Action of September 18, 2009, the Examiner rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Holtz in view of Armstrong (2002/0087352).

Applicants respectfully submit that this rejection is rendered moot by the election of Group III, claims 14-20 in this application.

SUMMARY

Examination and allowance of claims 14-20 is respectfully requested in light of the remarks herein. Applicants believe that this request will place the present application in condition for allowance. In view of foregoing remarks, favorable consideration and early passage to issue of the present application is respectfully requested.

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Respectfully submitted,

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